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April 20, 2011

**Via E-Mail CrottyNYSDChambers@nysd.uscourts.gov**

Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Chambers 735  
New York, New York 10007

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**RE: *Watson and Intellectus, LLP v. Riptide Worldwide, et al. 1:11-cv-0874(PAC)***  
**Defendant Loeffel's Request to File Motion to Dismiss Complaint**

Dear Judge Crotty:

We represent Defendant Phillip Loeffel in this matter. As Your Honor is aware, we secured a stipulation from plaintiff's counsel, Allyn & Fortuna, LLP, extending Mr. Loeffel's time to answer or otherwise respond to Plaintiff's Complaint to April 28, 2011. That stipulation was so ordered by Your Honor on April 11, 2011. We understand that this so ordered stipulation permits the filing of a Motion to Dismiss. However, in an abundance of caution, and in order to fully comply with Your Honor's Individual Practices regarding motions, we hereby request that the Court permit Mr. Loeffel to file a Motion to Dismiss the claims against him in his individual capacity on the basis of lack of personal jurisdiction (FRCP 12b(2)) and/or failure to state a claim upon which relief may be granted (FRCP 12b(6)).

If a more detailed or formal request for permission to file such Motion to Dismiss is desired by the Court please so inform us. If Your Honor has any questions, we are available to respond.

Respectfully submitted,  
CARROLL McNULTY & KULL LLC

*Teresa M. Cinnamond*

Teresa M. Cinnamond

cc: all counsel of record via e-mail or facsimile  
Joseph P. McNulty, Esq.

*The order entered on 4/14/2011 with respect to Mr. Connolly is applicable herein as well*

**SO ORDERED:**

20 APR 2011

*Paul A. Crotty*

HON. PAULA A. CROTTY  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED